

Section 20. The BIA Area Director had recommended approval some nine months earlier. In rejecting the Area Office recommendation, the IGMS cited a lack of sufficient evidence of compliance with NEPA, and a need to evaluate the local community support or opposition. Further work on the application was suspended due to the pendency of litigation between the tribe and DOI.⁴⁰⁶

8. Secretary Babbitt's Involvement in Consideration of the Hudson Application

a. Babbitt's Participation in Indian Gaming Matters Generally

Secretary Babbitt testified that prior to July 14, 1995, he generally understood the process for considering off-reservation acquisitions for gaming and the applicable statutes, although he had little involvement in any land into trust acquisitions. Leshy, Collier and Duffy all testified that Babbitt generally avoided involvement in Indian gaming issues. Babbitt said when he became Interior Secretary, he decided that, if there was going to be gaming, "Indians should be at the head of the line, not the end where Indians always are regarding economic opportunities."⁴⁰⁷ However, Babbitt stated his view has been "[o]ff-reservation gaming was a dicey deal because it heads straight into conflict."⁴⁰⁸ Babbitt related his experience with governors of certain western states in a meeting in 1993 in which the governors were saying that no gaming, even on reservations, should be allowed except in accordance with state law. Babbitt said he recognized from this experience that there was a political conflict on Indian gaming. He said he knew then

⁴⁰⁶Skibine said that in early 1999, he also returned to the Area Office a favorable recommendation involving the Mohawk Tribe of New York.

⁴⁰⁷OIC Interview of Bruce Babbitt, June 21, 1999, at 9 (hereinafter "OIC Babbitt Int.").

⁴⁰⁸*Id.*